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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,449	10/07/2003	Gilbert Theo Hinze	23739-X	3687
22206 7590 12/22/2006 FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			EXAMINER PAK, JOHN D	
			ART.UNIT	PAPER NUMBER
			1616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		12/22/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/679,449

10/7/2003

HINZE

23739-X

EXAMINER

PAK, J

ART UNIT	PAPER
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1616

20061220

DATE MAILED:

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## Commissioner for Patents

The reply filed on 10/16/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All previously examined invention has been canceled and new claims 15-34 are directed to a distinct invention from the invention previously examined. Cancellation of previously claimed and examined invention and presenting only claims drawn to a distinct, non-elected and non-examined invention is non-responsive. MPEP 821.03.

The remaining claims are distinct from the previously elected and examined invention because of the following reasons.

First, the new claims utilize only the electrochemically activated anion containing aqueous solution, whereas the previously examined invention utilized a solution that "includes and both of" an aqueous mixed oxidant and aqueous mixed anti-oxidant, which were made by first separating into predominantly cation containing solution and predominantly anion containing solution and altering the chemical composition by various means. At the very least, the previously examined invention administered both the cation containing solution and the predominantly anion containing solution into the drinking water of a live animal to be treated.


Second, the new claims are directed to "preventing a live animal from becoming diseased," whereas the previously examined invention was directed to "treating live animals." Prevention is distinct from treating. For example, preventing hepatitis (vaccine) is distinct from treating it (e.g. antiviral drug).

Third, both of the new independent claims 15 and 25 do not require the introduction of the active agent into the drinking water of the animals, whereas that was a critical method step in the previously presented, elected and examined invention.

Therefore, the invention presented as new claims 15-34 is distinct over the previously presented (now-canceled), elected and examined invention.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is (571)272-0620. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

  
JOHN PAK  
PRIMARY EXAMINER  
CICUP 1600